

AN ORDINANCE

98991

**AMENDING THE PROFESSIONAL LEGAL SERVICES CONTRACT WITH MILLER, CANFIELD, PADDOCK & STONE, P.L.C., TO AUTHORIZE ADDITIONAL SERVICES RELATED TO THE DEVELOPMENT OF ANY COMMUNICATIONS, CABLE, BROADBAND OR INTERNET RELATED MATTERS OR POLICIES FOR AN AMOUNT NOT TO EXCEED \$45,000.00; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS,** a Legal Services Agreement (the "Agreement") with the law firm of Miller, Canfield, Paddock and Stone, P.L.C., for an amount not to exceed \$40,000, was authorized by Ordinance No. 94941 on November 15, 2001; and

**WHEREAS,** Ordinance No. 97115, which was passed on January 30, 2003, authorized the First Amendment to the Agreement for an additional sum of \$40,000, and a total sum of \$80,000; and

**WHEREAS,** this action will authorize a Second Amendment for an additional amount of \$45,000, and for a total amount not to exceed \$125,000, to allow Mr. Tillman L. Lay, the principal attorney assigned to assist the City, to continue to provide legal services associated with telecommunications, cable, broadband and Internet issues; and

**WHEREAS,** this action was coordinated through the Public Utilities Division and the City Attorney's Office; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Second Amendment to the Legal Services Agreement with Miller, Canfield, Paddock and Stone, P.L.C. for an additional amount not to exceed \$45,000.00 (for a total amount not to exceed \$125,000.00), to provide the City with legal assistance related to telecommunications, cable, broadband and Internet matters, including cable franchise renewal and reopener negotiations, is hereby approved. A copy of the Second Amendment to the Legal Services Agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as Attachment I. Upon final execution, the final Second Amendment will be attached hereto and incorporated herein as Attachment II.

**SECTION 2.** The City Manager, or her designee, shall be authorized to execute said Second Amendment to the Legal Services Agreement in substantially the same form as Attachment I.

**SECTION 3.** Additional funds in the amount of \$45,000.00 are authorized to be encumbered in Fund 11-000000 (General Fund), in Index Code 665547, entitled "Third Party Review," and are made payable to the Law Offices of Miller, Canfield, Paddock, and Stone, P.L.C. for all services previously performed and those services to be performed in the future related to telecommunications, cable, broadband or Internet matters.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager, or her designee, correct allocations to specific Index Codes and the Fund Numbers, as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall take effect on the tenth (10<sup>th</sup>) day after the date of passage hereof.

**PASSED AND APPROVED** this 25<sup>th</sup> day of March, 2004,  
2004.



**M A Y O R**  
EDWARD D. GARZA

**ATTEST:** Helen L. Ledner  
City Clerk

**APPROVED AS TO FORM:** M. Zetzsche  
for City Attorney